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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,783	12/20/2004	Naoki Yoshida	SONY JP 3.3-309	3164
530 7590 06/02/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER RABOVIANSKI, JIVKA A				
ART UNIT		PAPER NUMBER		
2426				
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06/02/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/518,783

**Applicant(s)**

YOSHIDA, NAOKI

**Examiner**

JIVKA RABOVIANSKI

**Art Unit**

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD/IC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 12/20/2004, 03/31/2008, 05/23/2008



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/30/2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 8, 10 - 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz et al. (hereinafter Holtz) (US Patent Number 6,760,916), and further in view of Nagaoka, Tatsuji **US 20020138830 A1**.

Regarding **claims 1 and 10**, Holtz discloses a transmission apparatus comprising:

first production means for producing a first content of a video signal and/or an audio signal (i.e. "media production") (see column 6, lines 53-60) (see also column 7, lines 39-42);

second production means for producing a second content (i.e. "enhanced media") (see column 7, lines 42-47) corresponding to the first content (see column 43, lines 57-59), the second content including script (e.g. with XML) (see column 8, lines 60-67) for outputting a graphical user interface (see column 41, lines 36-54) (see Figure 11), and the script includes a description, for causing a reception apparatus to execute:

a process for producing use history information (see column 36, lines 54-67) (see also column 50, lines 23-26) including a predetermined content (see column 44, lines 6-9) in accordance with a use result (see column 36, lines 54-67) related to the use by a user of the first content in the reception apparatus (see column 46, lines 23-25) (see also column 46, lines 30-32) and a process for changing the graphical user interface based on the use history information (see Figures 11, 12, element 1108a) (see column 44, lines 6-8) so as to change a service to be provided with an operation to a

user interface screen picture (see Figures 11 and/or 12), and sending means for providing, as a broadcast, a transmission output of the second content in combination together with the first content (see column 8, lines 23-41) (see also column 35, lines 16-24).

The style of the graphical user interface being varied by the reception apparatus according to a viewing history of the first content (Holtz teaches: Media index permits users to save content as they wish for later requests where the media index resides on an enhanced media client 120 – see Fig. 11 and col. 42 lines 59 – 61; col. 41 lines 48 – 49), the viewing history of the first content being stored in the reception apparatus. Holtz discloses Media index permits users to save content as they wish for later requests where the media index resides on an enhanced media client col. 41 lines 48 – 49. Holtz does not specifically disclose where the stored device is. However, Nagaoka discloses a viewing history storage unit in the set-top box Fig. 7 and [0024]; the STB 50 accumulates viewing histories of users [0095].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Holtz with the teaching of

a receiver stores a viewing history as further taught in Nagaoka to meet all limitation in claim 1.

Regarding **claim 2**, see analysis of claim 1. In addition, Holtz discloses the transmission apparatus according, wherein the first content is compressed and coded, and transmitted (see column 25, lines 60-67; column 26, lines 1-10).

Regarding **claim 3**, see analysis of claim 1. In addition, Holtz discloses the transmission apparatus wherein the second content is transmitted as data broadcast (see column 14, lines 1-30).

Regarding **claims 4, 14 and 15**, Holtz discloses a reception apparatus comprising:

Reception means (see column 7, lines 66-67; column 8, lines 1-12) for receiving first content including a video signal and/or an audio signal transmitted as a broadcast (see column 11, lines 45-56) and a second content (i.e. "enhanced media") (see column 7, lines 42-47) corresponding to the first content, the second content including a script (e.g. with XML) including a description for causing the reception apparatus to execute:

A process for producing use history information (see column 36, lines 54-67) (see also column 50, lines 23-26) including a predetermined content

(see column 44, lines 6-9) in accordance with a use result (e.g. selection of a hyperlink) related to the use by a user of the first content in the reception apparatus (see column 46, lines 23-25) (see also column 46, lines 30-32) and a process for changing the graphical user interface based on the use history information (see Figures 11, 12, element 1108a) (see column 44, lines 6-8) so as to change a service to be provided with an operation to a user interface screen picture (see column 8, lines 23-41) (see Figures 11 and/or 12); and user interface forming means for forming a graphical user interface to be output together with a picture (see Figure 11, element 1102) as the first content in accordance with the script, for producing and storing the use result (see column 14, lines 19-31), and for executing, in accordance with the script, a process for changing the graphical user interface based on the use history information so as to change the service to be provided with the operation to the user interface screen picture (see column 13, lines 21-31).

The style of the graphical user interface being varied by the reception apparatus according to a viewing history of the first content (Holtz teaches: Media index permits users to save content as they wish for later requests where the media index resides on an enhanced media client 120 – see Fig.



11 and col. 42 lines 59 – 61; col. 41 lines 48 – 49), the viewing history of the first content being stored in the reception apparatus. Holtz discloses Media index permits users to save content as they wish for later requests where the media index resides on an enhanced media client col. 41 lines 48 – 49. Holtz does not specifically disclose the viewing history of the content is stored in the reception apparatus. However, Nagaoka discloses a viewing history storage unit in the set-top box Fig. 7 and [0024]; the STB 50 accumulates viewing histories of users [0095].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Holtz with the teaching of a receiver stores a viewing history as further taught in Nagaoka to meet all limitation in claims **4, 14 and 15**.

Regarding **claim 5**, see analysis of claim 4 and claim 2.

Regarding **claim 6**, see analysis of claim 4 and claim 3.

Regarding **claim 7**, see analysis of claim 4, the user is allowed to perform operations to the user interface picture (see column 39, lines 50-55) (see also column 50, lines 23-26).

Regarding **claim 8**, Holtz discloses the reception apparatus according to Claim 4, wherein

a mark operation is performed on the selected one of the first content; and the graphical user interface changes in response to the mark operation (e.g. activating hyperlink) (see column 34, lines 40-61).

Regarding **claim 9**, see analysis of claim 4. In addition, Holtz discloses the graphical user interface changes in accordance with a viewing history of the first content (see column 39, lines 50-55) (see also column 50, lines 23-26).

Regarding **claim 11**, Holtz discloses a reception apparatus comprising:  
reception means (see column 7, lines 66-67; column 8, lines 1-12) for receiving first content including a video signal and/or an audio signal transmitted as a broadcast (see column 11, lines 45-56) and a second content (i.e. "enhanced media") (see column 7, lines 42-47) corresponding to the first content, the second content including a script (e.g. with XML) including a description for causing the reception apparatus to execute:  
interface forming means for forming a graphical user interface to be output together with a picture (see Figures 11 and 12, element 1102) as the first content in accordance with the script, for producing and storing the use result (see column 14, lines 19-31), and for executing, in accordance with

the script, a process for changing the graphical user interface based on the use history information so as to change the service to be provided with the operation to the user interface screen picture (see column 13, lines 21-31) (see column 46, lines 23-25) (see also column 46, lines 30-32). (see also analysis of claim 4).

The style of the graphical user interface being varied by the reception apparatus according to a viewing history of the first content (Holtz teaches: Media index permits users to save content as they wish for later requests where the media index resides on an enhanced media client 120 – see Fig. 11 and col. 42 lines 59 – 61; col. 41 lines 48 – 49), the viewing history of the first content being stored in the reception apparatus. Holtz discloses Media index permits users to save content as they wish for later requests where the media index resides on an enhanced media client col. 41 lines 48 – 49. Holtz does not specifically disclose where the stored device is. However, Nagaoka discloses a viewing history storage unit in the set-top box Fig. 7 and [0024]; the STB 50 accumulates viewing histories of users [0095].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Holtz with the teaching of

a receiver stores a viewing history as further taught in Nagaoka to meet all limitation in claim 11.

Regarding **claim 12**, see analysis of claim 1. In addition Holtz discloses a process for changing a picture (see Figure 11, element 1108) (e.g. video commercial, see column 44, lines 55-67) (see also graphic banner (see column 34, lines 40-61), content in the graphical user interface based on the use history information.

Regarding **claim 13 and 16-19**, see analysis of claims 1 and 4.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jivka Rabovianski whose telephone number is (571) 270-1845. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HIRL can be reached on (571) 272-3685. Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jivka Rabovianski/

May 29, 2009

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

June 1, 2009